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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,858	02/02/2007	Arun Ramaswamy	20004/231-US	1374
34431 7590 11/10/2008 HANLEY, FLIGHT & ZIMMERMAN, LLC 150 S. WACKER DRIVE SUITE 2100 CHICAGO, IL 60606				
EXAMINER				
LEE, MICHAEL				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
11/10/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/596,858

**Applicant(s)**

RAMASWAMY ET AL.

**Examiner**

M. Lee

**Art Unit**

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 7-9, 11, 12, 16, 18-20 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-9, 11, 12, 19, 20, 23, 24, 26, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 16, 18, 25, 27, 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 2, 8, 9, 11, 12, 19, 20, 24, 26 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Alexander (6,067,126).

Regarding claim 1, Alexander discloses a video editing system showing a video analysis module 202 (col. 5, lines 20-29), which meets the video component classifying step as claimed, an audio analysis module 208 (col. 6, lines 1-15), which meets the audio component classifying step as claimed, and a speech determining step 506 (col. 6, lines 39-57), which meets the determining step as claimed. It should be noted that the quantization region analyzing operation in Alexander clearly reads on the quality factor analyzing or the embedded data detecting step as claimed. Similarly, the audio analyzing and attributes identifying operations in the audio analysis module 208 of Alexander clearly meet the embedded audio data detecting step or the waveform energy analyzing step as claimed.

Regarding claim 2, Alexander inherently includes a digitizer for digitizing analog video and audio signals into digital signals.

Regarding claim 8, the motion visual attributes mentioned in col. 5, line 56 meets the measurements as recited in claim 8 because motion attributes normally include blur, blockiness (MPEG), or jitter.

Regarding claim 9, the video signal in Alexander, provided from a video playback device such as a VCR or DVD (note col. 3, lines 25-26), inherently includes a vertical blanking interval, which meets the vertical blanking interval analyzing step when the video analyzing step is performed in Alexander.

Regarding claim 11, the audio signals in Alexander are in digital code form when converted from analog.

Regarding claim 12, note col. 5, lines 37-42.

Regarding claim 19, Alexander meets the claimed active video analyzer, and the audio analyzer as set forth in rejection to claim 1 above. In addition, the step 312 and the speech determining step together meet the decision module as claimed.

Regarding claim 20, in addition of rejection to claim 2, Alexander inherently includes a frame buffer in order to store the digitized data.

Regarding claim 24, see rejection to claim 8.

Regarding claim 26, see rejection to claim 12.

Regarding claim 29, in addition of rejections above, the invention of Alexander is implemented on a computer readable medium (col. 10, lines 46-51).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 7, 23, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander (6,067,126).

Regarding claims 3, 7, 23 and 30, Alexander does not teach the use of a histogram to analyze the video data as claimed. The examiner takes Official Notice that using histogram to analyze video data is well known in the art because it enables an image to be recognized quickly and accurately while minimize the number of calculations required in a processor when performing the recognition operation. Hence, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to include a histogram analyzing process into Alexander so that the attributes as mentioned in col. 5, lines 43-66 could be recognized quickly and accurately.

#### ***Allowable Subject Matter***

5. Claims 16, 18, 25, 27, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Mimura et al. (5,548,346) shows a video analyzer and an audio analyzer.
- Bregler (5,880,788) shows a sound analyzer and an image analyzer.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran, can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. Lee/  
Primary Examiner  
Art Unit 2622